

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

CLOSED

United States of America

v.

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed on or After November 1, 1987)

Jose Gonzalez-De La Rosa

No. 07-10879-001M-SD

Citizen of Mexico

Lorna Spencer (AFPD)
Attorney for Defendant

USM#: 18542359

DOB: 1961

ICE#: A77 415 091

THE DEFENDANT ENTERED A PLEA OF guilty on 12/26/2007 to Count TWO of the Complaint.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 8, USC § 1325, Illegal Entry, a Petty offense, as charged in Count TWO of the Complaint.

IT IS THE JUDGMENT OF THE COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of SIX (6) MONTHS on Count TWO, with credit for time served.

IT IS FURTHER ORDERED that all remaining counts are dismissed on motion of the United States.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: \$Remitted

FINE: \$

RESTITUTION: \$

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 880 Front Street, San Diego, California 92101. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$Remitted shall be paid pursuant to Title 18, United States Code, Section 3013 for Count TWO of the Complaint.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons.
The defendant is remanded to the custody of the United States Marshal.

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USA vs. Jose Gonzalez-De La Rosa

Date of Imposition of Sentence: **Wednesday, December 26, 2007**

Date 12/26/2007

JAY R. IRWIN, United States Magistrate Judge

RETURN

I have executed this Judgment as follows: _____

Defendant delivered on _____ to _____ at _____, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

United States Marshal
07-10879-001M-SD -

By: _____
Deputy Marshal

DATE: 12/26/2007 CASE NUMBER: 07-10879-001M-SD

PLEA/SENTENCING MINUTES

USA vs. Jose Gonzalez-De La Rosa

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK

U.S. Attorney _____ INTERPRETER REQ'D Ricardo Gonzalez
LANGUAGE: Spanish

Attorney for Defendant Lorna Spencer (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA 12/23/2007 ☒ Complaint Filed ☒ Appointment of counsel hearing held
☐ Financial Afdvt taken ☒ No Financial Afdvt taken ☐ Financial Afdvt sealed
☒ Initial Appearance

DETENTION HEARING: ☐ Held ☐ Cont'd ☐ Reset ☐ UA

Set for: before:

☐ Defendant ordered temporarily detained in the custody of the United States Marshal
☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at \$ _____
☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

PLEA HEARING: ☒ Held ☐ Cont'd ☐ Reset

Set for: before:

☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd
☐ Consent of Defendant ☐ Information filed _____ ☐ Complaint filed _____
☒ Defendant sworn and examined by the Court ☒ Plea of Guilty ☐ Not Guilty ☒ Entered to Counts TWO
☐ Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name.
☒ Plea of Guilty entered as to Ct(s) TWO of the ☐ Information ☐ Indictment ☒ Complaint
☒ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.
☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed
☐ Court does not accept defendant's plea of guilty because _____
☐ PSI ORDERED ☐ EXPEDITED ☒ PSI waived ☐ Time waived for passage of sentence
☐ Continued for sentence to ____ before _____
☒ To be dismissed upon entry of the judgment, Ct(s) ONE
☒ ORDER vacate trial date/motion hearing/mins moot
☐ ORDER defendant remain released pending sentence ☒ remanded to USM

SENTENCING:

☒ Defendant committed to Bureau of Prisons for a period of 6 Months ☐ Probation/Supervised Release for _____
☒ Special Assessment \$ REMITTED ☐ Fine \$ _____ ☐ Restitution \$ _____

Other: _____

RECORDED: CS
BY: Jocelyn M. Arviso, Deputy Clerk

United States District Court**SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA

V.

Jose GONZALEZ-De La Rosa

Citizen of Mexico

YOB: 1961

A77 415 091

Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 07-10879 M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about May 5, 2007, Defendant Jose GONZALEZ-De La Rosa was arrested and removed from the United States to Mexico through the port of San Ysidro, California, in pursuance of law, and thereafter on or about December 23, 2007, Defendant was found in the United States near Andrade, California within the Southern District of California, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

COUNT II

That on or about December 23, 2007, within the Southern District of California, Defendant Jose GONZALEZ-De La Rosa, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,


Signature of Complainant

Nicholas Kingston

Senior Patrol Agent

December 26, 2007

Date

at

City and State

Yuma, Arizona

Jay R. Irwin, U.S. Magistrate

Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Jose GONZALEZ-De La Rosa

Dependents: 1 Mexican

IMMIGRATION HISTORY: The Defendant was last removed through San Ysidro, California on May 5, 2007 and has been formally removed on 16 occasions.

CRIMINAL HISTORY:

<u>DATE/LOCATION</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
03/24/83 Riverside, CA	Carry Concealed Weapon	Unknown
11/28/83 Riverside, CA	Grand Theft Auto	Unknown
02/28/85 Riverside, CA	Burglary	180 Days Jail, 36 Months Prob.
08/16/85 San Diego, CA	Unlawful Take Vehicle	Unknown
12/30/85 Riverside, CA	Receive Stolen Property	Unknown
04/06/86 San Diego, CA	Unlawful Take Vehicle	Dismissed
	Misdemeanor Hit and Run	60 Days Jail
09/24/87 San Diego, CA	Poss. Stolen Property	Unknown
	Unlaw. Take Vehicle	Unknown
09/28/87 Chula Vista, CA	EWI	Unknown
08/05/01 El Monte, CA	Counts of Cont. Sub.	Unknown
09/29/01 Norwalk, CA	Poss. of a Cont. Sub.	Unknown
	Drive w/ out License	Unknown
10/05/01 Riverside, CA	Counts of ESC, w/ chg/ misd., force/ viol.	Unknown
01/13/02 El Monte, CA	Poss. of Marijuana for sale	Unknown
09/04/02 San Diego, CA	Force/ ADW not Firearm	Unknown
	Force/ ADW not Firearm	Unknown
	Attempt to commit Crime/ Vehicle Theft	Unknown
	Burglary	Unknown
	Receive Known Stolen Property	Unknown
03/14/03 Norwalk, CA	Poss. Narc. Cont. Sub.	Unknown
08/01/03 San Diego, CA	Poss. Narc. Cont. Sub.	Unknown
08/05/03 San Diego, CA	Poss. Narc. Cont. Sub.	Unknown
10/26/03 El Centro, CA	Re-entry of a Removed Alien	Unknown
02/24/04 Riverside, CA	Vehicle Theft	Unknown
08/20/04 Norwalk, Ca	Poss. Narc. Cont. Sub.	Unknown
05/27/07 El Monte, CA	Poss. of a Hypodermic Needle	6 Years Prob.
11/30/05 El Monte, CA	Forgery	Unknown
	Drive w/ out License	Unknown
	Poss. of Deceptive Govt. ID	10 Days Jail, 3 Years Prob., \$300 Fine
06/11/06 Norwalk, CA	Vehicle Theft	Unknown
09/20/06 Norwalk, CA	Poss. of Hypodermic Needle	Unknown

04/13/07	Norwalk, CA	Poss. Narc. Cont. Sub	10 Days Jail, 36 Months Prob.
		Unlic Sell/ ETC Needle	Unknown
		Drive w/ out License	10 Days Jail, 36 Months Prob.
		WARRANT Drive w/ out a License	
		WARRANT Poss. Deceptive Govt. ID	
07/12/07	Baldwin Park, CA	Vehicle Theft	Time Served
12/09/07	Norwalk, CA	WARRANT Vehicle Theft	
12/14/07	Riverside, CA	Vehicle Theft	Unknown
12/14/07	San Bernardino, CA	EWI	Unknown

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Andrade, California on December 23, 2007.

Charges:	8 USC§1326	(Felony)
	8 USC§1325	(Misdemeanor)

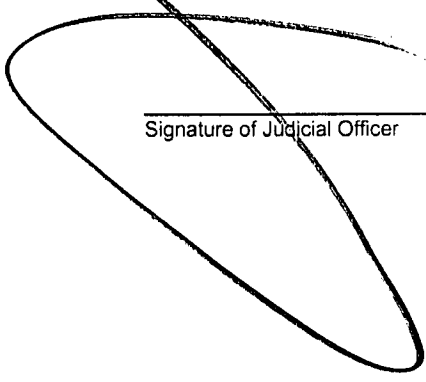


Signature of Complainant

Sworn to before me and subscribed in my presence,

December 26, 2007

Date



Signature of Judicial Officer

Probable Cause Statement

I, Senior Patrol Agent Nicholas Kingston, declare under penalty of perjury, the following is true and correct:

Defendant: Jose GONZALEZ-De La Rosa

Dependents: 1 Mexican

IMMIGRATION HISTORY: The Defendant was last removed through San Ysidro, California on May 5, 2007 and has been formally removed on **16** occasions.

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08/16/85 San Diego, CA	Unlawful Take Vehicle	Unknown
12/30/85 Riverside, CA	Receive Stolen Property	Unknown
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	Drive w/ out License	Unknown
10/05/01 Riverside, CA	Counts of ESC, w/ chg/ misd., force/ viol.	Unknown
01/13/02 El Monte, CA	Poss. of Marijuana for sale	Unknown
09/04/02 San Diego, CA	Force/ ADW not Firearm	Unknown
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	Attempt to commit Crime/ Vehicle Theft	Unknown
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02/24/04 Riverside, CA	Vehicle Theft	Unknown
08/20/04 Norwalk, Ca	Poss. Narc. Cont. Sub.	Unknown
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11/30/05 El Monte, CA	Forgery	Unknown
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Drive w/ out License 10 Days Jail, 36 Months Prob.

WARRANT Drive w/ out a License

WARRANT Poss. Deceptive Govt. ID

07/12/07	Baldwin Park, CA	Vehicle Theft	Time Served
12/09/07	Norwalk, CA	WARRANT Vehicle Theft	
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The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Andrade, California on December 23, 2007.

Executed on: December 24, 2007 Time: 7:23 AM

Signed: N. Langston Senior Patrol Agent

Finding of Probable Cause

On the basis of the facts presented in the foregoing Probable Cause Statement, consisting of two pages, I find probable cause to believe that the defendant named therein committed the offense(s) on December 23, 2007 in violation of Title 8, United States Code, Sections 1326 and 1325.

Finding made on Date December 24, 2007 Time 9:22 pm

Signed: _____ United States Magistrate Judge